

REMARKS

The present Amendment is in response to the Office Action mailed September 19, 2008. Claims 10, 11 and 13-17 were previously withdrawn. However, claims 10 and 11 have been reinstated for examination by the Examiner. Claims 1, 7 and 10 are amended. Claims 1-12 are now pending in view of the above amendments.

Applicants note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

Applicants also note that the remarks presented herein have been made merely to clarify the claimed embodiments from elements purported by the Examiner to be taught by the cited reference. Such remarks, or a lack of remarks, are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicants: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicants reserve the right to challenge the purported teaching and prior art status of the cited references at any appropriate time.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Election/Restriction

Applicant notes Examiner's withdrawal of restriction between Groups I (claims 1-9 and 12) and Group II (claims 10 and 11) and that Examiner has examined claims 1-12. The Examiner has maintained the restriction to claims 13-17 and maintained the withdrawal.

Rejection Under 35 U.S.C. § 112, Second Paragraph

The Office Action rejected claims 1-9 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. By the foregoing amendments, claim 1 has been amended to more particularly point out and distinctly claim their subject matter. Support for the amendments to claim 1 may be found in, for example, page 1, lines 32-33 and Fig. 1 of the specification. Accordingly, withdrawal of the rejection is respectfully requested.

PRIOR ART REJECTIONS

Rejection Under 35 U.S.C. § 103

The Office Action rejected claims 1-12 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,553,788 (*Ikeda*) in view of U.S. Patent No. 6,668,587 (*Fujimura*).

Independent claim 1 recites, among other things, features of "scrubbing the surface with an abrasive and a scrub member to form a texture including a plurality of ridge-shaped projections each extending in a circumferential direction of the surface," As will be explained below, at least this feature of claim 1 is a distinction over *Ikeda*, and thus over its combination with *Fujimura*.

The Office Action dated September 19, 2008 states:

Ikeda discloses a method comprising: ... scrubbing ("Process D" col. 8, line 58, col. 7, lines 51-55) the surface with a scrub member (pad is expected to be the same as in the second embodiment, col. 12, lines 22-57, Fig. 3A-4D) to form a texture ... (inherent since scrubbing is the same process as the instant invention, i.e., rotation of a disk-shaped glass plate and scrubbing with a pad that has a length corresponding to the width of the plate, textures are expected to be formed in a circumferential direction, see for example Fig. 3A-3C) .

Applicant respectfully submits that the examiner mistakenly believed that the scrub-cleaning of *Ikeda* is identical to the scrub process (scrub etching) of *Ikeda*. However, *Ikeda* uses these terms, namely, "scrub-cleaning" and "scrub process or scrub etching" in different meanings.

The term "scrub process (scrub etching)" represents a process using an acid solution. See col. 3, lines 2 to 6 of Ikeda. In contrast, the term "scrub-cleaning" represents a process using a neutral or alkaline solution, not an acid solution. See col. 6, lines 23 to 32 of Ikeda. The scrub-cleaning of Ikeda does not intend to form a texture. Rather, the scrub-cleaning is for removing reaction product, an alteration layer different from the bulk layer, and the like. See col. 6, lines 23 to 32. Ikeda does not disclose or suggest that the scrub-cleaning is for forming a texture. Since "scrub-cleaning" and "scrub process or scrub etching" of Ikeda are mutually different process, the scrubbing of claim 1 is not identical to Process D of Ikeda. Hence, the noted feature of claim 1, namely "scrubbing the surface with an abrasive and a scrub member to form a texture including a plurality of ridge-shaped projections each extending in a circumferential direction of the surface", is a distinction over Ikeda.

Fujimura discloses a scrub-cleaning process using a sponge roller and an abrasive. However, Fujimura does not disclose that the scrub-cleaning process is for forming a texture. Rather, the scrub-cleaning process of Ikeda is for removing needle-like projections consisting of carbonates of alkali metals introduced through the chemically strengthening step. See Fujimura, col. 2, lines 9-36 and col. 3, lines 9 to 20. Therefore, the noted feature of claim 1 also is a distinction over Fujimura.

Among other things, a prima facie case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of claim 1, noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a prima facie case of obviousness vis-a-vis claim 1.

For much the same reason, the combination of Ikeda and Fujimura do not teach or suggest all of the claimed elements of independent claim 10.

Claims 2-9 and 11-12 ultimately depend from claims 1 and 10, respectively, and so at least similarly distinguish over the asserted combination of references.

In view of the foregoing discussion, the rejection of claims 1-12 is improper. Accordingly, withdrawal of the obviousness rejection is respectfully requested.

Obviousness Type Double Patenting Rejection

In the Office Action, the Examiner provisionally rejected claims 1-12 under the judicially created doctrine of obviousness-type double patenting in view of Application Serial No. 10/532,564, claims 7-18. Applicants submit herewith a terminal disclaimer relative to Application Serial No. 10/532,564 in order to overcome this rejection. Withdrawal of this rejection and allowance of the pending claims is respectfully requested in view of the terminal disclaimer.

CONCLUSION

In view of the foregoing, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated December 16, 2008.

Respectfully submitted,

/sara d. jones/Reg. #47,691
SARA D. JONES
Registration No. 47,691
Attorney for Applicant
Customer No. 233178